

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nicole Weinstock	Team: Team # 3	CCRB Case #: 201002873	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 03/02/2010 9:23 PM	Location of Incident: Beach 54th Street and Beach Channel Drive	Precinct: 101	18 Mo. SOL 9/2/2011	EO SOL 9/2/2011	
Date/Time CV Reported Wed, 03/03/2010 5:50 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 03/03/2010 5:50 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT George Arabella	00091	929644	101 PCT
2. POM Thomas Lyons	31015	946517	QS IRT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Alan Schatz	27125	946225	QS IRT
2. POM Patrick Hartner	17947	945806	QS IRT
3. POM Paul Rivera	26379	946169	QS IRT
4. POM Michael Conti	26013	945610	QS IRT

Officer(s)	Allegation	Investigator Recommendation
A.SGT George Arabella	Discourtesy: Sgt. George Arabella supervised the use of obscenities by subordinate officers.	
B.POM Thomas Lyons	Discourtesy: PO Thomas Lyons spoke obscenely to § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		

Case Summary

On March 3, 2010, § 87(2)(b) filed this complaint with the CCRB via its call processing system (encl. 9-10).

On March 2, 2010, at approximately 9:23 p.m., § 87(2)(b) was seated in the front passenger seat of a dollar van that was driven by § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) and three other passengers were seated in the van. Sgt. George Arabella and PO Patrick Hartner stopped the van at the intersection of Beach Channel Drive and Beach 54th Street in Queens. § 87(2)(b) received two summonses for improper use of a horn and having an air horn and § 87(2)(b) was arrested for not wearing his seatbelt and his open warrant. The following allegations resulted from this interaction:

- **Allegation A-Discourtesy:** Sgt. George Arabella supervised the use of obscenities by subordinate officers. It is alleged that unknown officers under the supervision of Sgt. Arabella used discourteous language during this incident. § 87(2)(g)

- **Allegation B-Discourtesy:** PO Thomas Lyons spoke obscenely to § 87(2)(b) § 87(2)(b) § 87(2)(g)

- § 87(4-b) § 87(2)(g)

Results of Investigation

Civilian Statement

Complainant: § 87(2)(b)

- § 87(2)(b) *old black male, who stands 5'10" tall, weighs 215 pounds, has black hair and § 87(2)(b) eyes.* § 87(2)(b)

CCRB Statement

§ 87(2)(b) provided a telephone statement on March 9, 2010 (encl. 11). He was interviewed at the CCRB on April 19, 2010 (encl. 12-14). § 87(2)(g). On March 2, 2010, at approximately 9:23 p.m., § 87(2)(b) § 87(2)(b) with whom § 87(2)(b) is familiar, was operating a 1998 white Ford 16 passenger van, with New York State license plates, as a dollar van. § 87(2)(b) § 87(2)(b) who was wearing his seatbelt, was seated in the front passenger seat and § 87(2)(b) § 87(2)(b) a friend of § 87(2)(b) was seated in the third row. § 87(2)(b) did not know the other two female passengers and one male passenger. § 87(2)(b) was stopped at the intersection of Beach Channel Drive and Beach 59th Street in Queens as two marked police cars were stopped in the middle of the intersection, talking. § 87(2)(b) honked his horn and the officers moved, allowing § 87(2)(b) to pass.

§ 87(2)(b) continued driving down Beach Channel Drive. When the van was at approximately Beach Channel Drive and Beach 54th Street, two patrol cars pulled § 87(2)(b) over. § 87(2)(b) § 87(2)(b) believed that these were the same vehicles that had been blocking the road. However, § 87(2)(b) noted during his telephone statement that he was pulled over by two uniformed officers in one patrol vehicle. § 87(2)(b) § 87(2)(b) pulled over and approximately ten minutes later, PO Patrick Hartner, who was identified through investigation, and Sgt. George Arabella, whose name was obtained from the nameplate on his uniform, approached the van. PO Hartner approached § 87(2)(b)'s window while Sgt. Arabella approached § 87(2)(b)'s window.

PO Hartner spoke first, but § 87(2)(b) could not recall what was said. § 87(2)(b) § 87(2)(b) asked why they were being stopped and PO Hartner requested § 87(2)(b)'s license while Sgt. Arabella requested § 87(2)(b)'s license. § 87(2)(b) unbuckled himself, retrieved his Police Benevolent Association (PBA) card and provided it. Sgt. Arabella stated that he did not want to see a PBA card and requested the license a second time. § 87(2)(b)

§ 87(2)(b) provided it. The officers took both of the licenses back to their vehicle. During his telephone statement, § 87(2)(b) stated that when Sgt. Arabella requested his license, he questioned why it was needed if he was a passenger but provided it. § 87(2)(b) made no mention of a PBA card.

While the officers were in their vehicle, a patrol van and an unmarked Chevrolet Impala arrived. After a period of time, Sgt. Arabella, PO Alan Schatz, and PO Thomas Lyons, who were identified through investigation, approached § 87(2)(b)'s window. Sgt. Arabella instructed § 87(2)(b) to step out of the van, which § 87(2)(b) questioned. It was explained that he was being arrested. § 87(2)(b) exited the van. During his telephone statement, § 87(2)(b) stated that the officers were cursing at him and using racial slurs, but he could not be more specific other than that the officers used the words "fuck" and "nigger." § 87(2)(b) did not know which officer used this language with him. Later in his telephone statement, § 87(2)(b) stated that Sgt. Arabella was using the word "nigger" while the rest of the officers stated, "Calm the fuck down," and "You need to get the fuck out of the car." While § 87(2)(b) was getting out of the van, he called § 87(2)(b) a police officer § 87(2)(b). As the call was connecting, § 87(2)(b) was instructed to pass the phone to § 87(2)(b). Without being instructed to do so, § 87(2)(b) stepped out of the vehicle and took the phone from § 87(2)(b). § 87(2)(b) then returned to his side of his van, but did not enter the van. § 87(2)(b) did not make these allegations during his formal statement to the CCRB.

As § 87(2)(b) was being placed into the police van, he heard § 87(2)(b) cursing and sounding irate on the phone. He heard § 87(2)(b) screaming, "What the fuck is going on?" When § 87(2)(b) looked, § 87(2)(b) was face down against the driver's side hood of his van, with all of the officers except for PO Lyons around him. PO Lyons was with § 87(2)(b). § 87(2)(b) originally stated that the officers were tackling § 87(2)(b) to the ground. § 87(2)(b) heard officers repeatedly use the words "nigger" and "fuck" but he could not tell which officer made comments, be more specific as to what was stated or to whom. The passengers in § 87(2)(b)'s van were screaming and ran out of the van.

PO Lyons entered the police van, from where he was standing next to it, and stated, "What is wrong with that fucking guy? If your cousin wasn't such an asshole, we could've let you go. Because he's an asshole and not calming down, we can't let you go." § 87(2)(b) was then taken to the 101st Precinct stationhouse

§ 87(2)(b)

Attempts to Contact Civilians

During his telephone statement on March 9, 2010, § 87(2)(b) stated that § 87(2)(b) lived in Queens and provided a telephone number for him. Between March 9, 2010, and March 26, 2010, five attempts were made at contacting § 87(2)(b) via telephone and messages were left each time. On March 17, 2010, a Lexis Nexis search provided an address for § 87(2)(b). Two please call letters were subsequently sent to the address provided. During his formal statement on April 19, 2010, § 87(2)(b) provided a different telephone number for § 87(2)(b) and repeated that he lived in Queens. On April 28, 2010, and May 13, 2010, two attempts were made at contacting § 87(2)(b) via telephone at the new number. A message played stating that the telephone number was no longer in service.

During his formal statement to the CCRB on April 19, 2010, § 87(2)(b) provided a telephone number for § 87(2)(b). After three telephone messages were left for § 87(2)(b), § 87(2)(b) contacted the CCRB on May 3, 2010. She provided a telephone statement (encl. 17), stating that one of the officers told all of the passengers, including her, "Get the fuck out of here." She then stated that she was not interested in participating in the investigation. § 87(2)(b) refused to provide her mailing address for a withdrawal letter to be sent. On the same date, a Lexis Nexis search was returned with negative results. As such, no withdrawal letter was able to be sent to § 87(2)(b).

NYPD Statements:

Subject Officer: SGT. GEORGE ARABELLA

- § 87(2)(b) old white male, who stands 5'10" tall, weighs 205 pounds, has brown hair and eyes.
- On the date of incident, Sgt. Arabella was assigned to the 101st Precinct as the Impact Supervisor. He worked from 2:50 p.m. to 11:57 p.m. He worked with PO Patrick Hartner in uniform and patrol vehicle 4423.

Memo Book

Sgt. Arabella did not have any memo book entries regarding this incident (encl. 18-19).

CCRB Statement

Sgt. George Arabella was interviewed at the CCRB on June 21, 2010 (encl. 20-21). On March 2, 2010, at approximately 9:00 p.m., Sgt. Arabella and PO Hartner were seated in their vehicle on Beach Channel Drive assisting a vehicle stop. While Sgt. Arabella and PO Hartner were present, a passenger van tried to pass the vehicle stop. The passenger van used its horn. Sgt. Arabella and PO Hartner subsequently stopped the passenger van for using its horn unnecessarily.

Sgt. Arabella approached the passenger, who was identified through investigation as § 87(2)(b) § 87(2)(b) while PO Hartner approached the driver, who was identified through investigation as § 87(2)(b) § 87(2)(b). Sgt. Arabella observed that § 87(2)(b) § 87(2)(b) was not wearing a seatbelt. He requested § 87(2)(b) § 87(2)(b)'s identification, which was provided. PO Hartner requested that § 87(2)(b) § 87(2)(b) step out of the vehicle and provide his identification. § 87(2)(b) § 87(2)(b) complied but was slightly upset. Sgt. Arabella believed that § 87(2)(b) § 87(2)(b) commented about having a family member who worked in the NYPD and showed PO Hartner a PBA card.

The officers returned to their vehicle and ran warrant checks for § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) § 87(2)(b). § 87(2)(b) § 87(2)(b) had an outstanding warrant. Other police vehicles arrived, including PO Schatz, § 87(2)(b) § 87(2)(b)'s arresting officer. § 87(2)(b) § 87(2)(b) was placed under arrest and § 87(2)(b) § 87(2)(b) was issued summonses for § 87(2)(b) § 87(2)(b).

Sgt. Arabella did not recall interacting with any other passenger in the vehicle. He believed that only he and PO Schatz interacted with § 87(2)(b) § 87(2)(b). No physical force was used with § 87(2)(b) § 87(2)(b) by Sgt. Arabella or any other officer and § 87(2)(b) § 87(2)(b) was never placed on the ground. Sgt. Arabella never used the words "nigger" or "fuck" nor did any other officer. Sgt. Arabella did not state, "What is wrong with that fucking guy? If your cousin wasn't such an asshole, we could've let you go. Because he's an asshole and not calming down, we can't let you go." No other officer made this statement.

PO Schatz took § 87(2)(b) § 87(2)(b) back to the 101st Precinct stationhouse, but Sgt. Arabella could not recall which officers accompanied them.

Subject Officer: PO THOMAS LYONS

- § 87(2)(b) old white male, who stands 6'0" tall, weighs 225 pounds, has black hair and brown eyes.
- On the date of incident, PO Lyons was assigned to the 101st Precinct, foot post 10. He worked from 5:30 p.m. on March 2, 2010, to 2:05 a.m. on March 3, 2010. He worked with PO Alan Schatz in uniform in his foot assignment

Memo Book

PO Lyons did not have any memo book entries regarding this incident (encl. 43-44).

CCRB Statement

PO Thomas Lyons was interviewed at the CCRB on June 25, 2010 (encl. 45-46). On March 2, 2010, at approximately 9:05 p.m., PO Lyons and PO Schatz were called by Sgt. Arabella to the scene of a vehicle stop. When PO Lyons arrived, the civilians were in their vehicle and Sgt. Arabella and PO Hartner were the only officers on the scene. Sgt. Arabella and PO Hartner were standing between the civilian's vehicle and their own.

Sgt. Arabella stated that he had an arrest and asked which officer, PO Lyons or PO Schatz, would be the arresting officer.

As PO Schatz was the arresting officer, PO Lyons did not interact with any civilians and he did not observe any officer interact with the civilians other than PO Schatz. PO Schatz interacted with the arrested male, who was identified through investigation as § 87(2)(b) § 87(2)(b). PO Lyons did not recall if § 87(2)(b) § 87(2)(b) was in handcuffs when the officers arrived or if PO Schatz placed § 87(2)(b) § 87(2)(b) in handcuffs. PO Lyons did not observe the driver, who was identified through investigation as § 87(2)(b) § 87(2)(b) leave his vehicle or on the ground. PO Lyons did not observe any officer use physical force against § 87(2)(b) § 87(2)(b). He did not use the words “nigger” or “fuck” nor did he hear any other officer use this language. PO Lyons never entered a police vehicle. He did not state, “What is wrong with that fucking guy? If your cousin wasn’t such an asshole, we could’ve let you go. Because he’s an asshole and not calming down, we can’t let you go.” PO Lyons did not hear any other officer make this statement either.

Witness Officer: PO PAUL RIVERA

- § 87(2)(b) old white male, who stands 6’2” tall, weighs 220 pounds, has black hair and brown eyes.
- On the date of incident, PO Rivera was assigned to the 101st Precinct, marked patrol van 5808. He worked from 5:30 p.m. on March 2, 2010, to 2:05 a.m. on March 3, 2010. He worked with PO Michael Conti in uniform in his patrol vehicle.

Memo Book

PO Rivera did not have any entries in his memo book (encl. 39-40).

CCRB Statement

PO Paul Rivera was interviewed at the CCRB on June 22, 2010 (encl. 41-42). PO Rivera had finished a car stop at Beach Channel Drive by Beach 54th Street when he observed that Sgt. Arabella had stopped a van. PO Rivera did not know why the van had been stopped, but he pulled over to speak with Sgt. Arabella. When PO Rivera approached his supervisor, he observed that Sgt. Arabella and PO Hartner were in their vehicle, issuing § 87(2)(b) § 87(2)(b) a summons. Sgt. Arabella stated that there might be an arrest and asked PO Rivera and PO Conti to transport the arrest.

PO Rivera stood next to Sgt. Arabella’s patrol vehicle while Sgt. Arabella called for an officer to be the arresting officer. He believed that § 87(2)(b) § 87(2)(b) was arrested for not wearing his seatbelt and for having an active warrant. PO Rivera was not positive if anyone else was removed from the vehicle. He did not use any physical force against § 87(2)(b) § 87(2)(b) nor did he observe any other officer do so. He did not observe § 87(2)(b) § 87(2)(b) on the ground. PO Rivera did not use the words “fuck” or “nigger” during the interaction, nor did he hear any other officer use this language. He did not state to other passengers, “Get the fuck out of here,” nor did he hear other officers make this statement.

PO Schatz rode with PO Conti, PO Rivera and § 87(2)(b) § 87(2)(b) to the 101st Precinct stationhouse. In the police van, no officer stated, “What is wrong with that fucking guy? If your cousin wasn’t such an asshole, we could’ve let you go. Because he’s an asshole and not calming down, we can’t let you go.”

Witness Officer: PO PATRICK HARTNER

- § 87(2)(b) old white male, who stands 6’1” tall, weighs 200 pounds, has brown hair and eyes.
- On the date of incident, PO Hartner was assigned to the 101st Precinct, as the Queens South Impact Response Team sergeant’s operator. He worked from 5:30 p.m. on March 2, 2010, to 2:05 a.m. on March 3, 2010. He worked with Sgt. George Arabella in uniform and patrol vehicle 4423.

Memo Book

PO Hartner’s memo book is summarized as follows: At 9:05 p.m., summons numbers § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) were issued to § 87(2)(b) § 87(2)(b), date of birth § 87(2)(b) § 87(2)(b), of § 87(2)(b) § 87(2)(b). § 87(2)(b) § 87(2)(b) s New York license plate was § 87(2)(b) § 87(2)(b) and he was driving a white Ford.

Summonses

PO Hartner issued § 87(2)(b) summonses § 87(2)(b) for § 87(2)(b) and § 87(2)(b) for § 87(2)(b), during the traffic stop (encl. 25-27).

CCRB Statement

PO Patrick Hartner was interviewed at the CCRB on June 21, 2010 (encl. 28-29). § 87(2)(g)

While they were assisting with the vehicle stop, a white Econoline passenger van pulled up behind the other police vehicle and honked its horn. The honk was steady and longer than a quick tap. PO Hartner noted that there was no imminent danger as no pedestrians were crossing the street, and there was no room for the vehicle to get around the officers conducting the vehicle stop.

PO Hartner had very little interaction with § 87(2)(b) and no interaction with the other passengers. The officers returned to their vehicle where PO Hartner observed that Sgt. Arabella had a PBA card, which he believed § 87(2)(b) had provided. It was determined that § 87(2)(b) had an active warrant and § 87(2)(b) would be issued two summonses for § 87(2)(b) and § 87(2)(b). Sgt. Arabella called a foot post, PO Schatz and PO Lyons. § 87(2)(b)

PO Hartner was writing the summonses in his patrol vehicle with the windows up. At approximately the same time that the foot post arrived, the patrol van from the previous vehicle stop, containing PO Conti, who was identified through investigation, and PO Rivera, arrived.

PO Lyons and PO Schatz, and possibly other officers, placed § 87(2)(b) under arrest and into the patrol van. PO Hartner could not hear this interaction as he was still in his vehicle, but he did not hear screaming. When PO Hartner got out of his vehicle, § 87(2)(b) appearing to be annoyed, was walking around in front of his vehicle. PO Hartner approached § 87(2)(b) and gave him the summonses then returned to his vehicle. PO Hartner did not use any physical force with § 87(2)(b) nor did he observe any other officer do this. He did not observe § 87(2)(b) on the ground. PO Hartner never used the word, “nigger” or “fuck,” nor did he hear any other officer use this language. PO Hartner did not state, “What is wrong with that fucking guy? If your cousin wasn’t such an asshole, we could’ve let you go. Because he’s an asshole and not calming down, we can’t let you go.” He did not hear any other officer state this either. The officers then returned to the 101st Precinct stationhouse.

Witness Officer: PO ALAN SCHATZ

- § 87(2)(b) old white male, who stands 5’8” tall, weighs 185 pounds, has brown hair and eyes.
- On the date of incident, PO Schatz was assigned to the 101st Precinct, foot post 10. He worked from 5:30 p.m. on March 2, 2010, to 2:05 a.m. on March 3, 2010. He worked with PO Thomas Lyons in uniform at his foot post.

Memo Book

PO Schatz’s memo book is summarized as follows: At 9:23 p.m., there was one person arrested at Beach 54th Street and Beach Channel Drive. § 87(2)(b) § 87(2)(b) date of birth § 87(2)(b), of § 87(2)(b), was arrested for § 87(2)(b) and § 87(2)(b). At 9:40 p.m., the warrant check showed an active warrant (encl. 30-32).

Arrest Report

§ 87(2)(b) was arrested on March 2, 2010, at 9:23 p.m. by PO Schatz at Beach 54th Street and Beach Channel Drive § 87(2)(b). PO Schatz was informed by PO Hartner, tax registry number 945806, that § 87(2)(b) was observed in the front passenger seat of a 1998 Ford van that was traveling eastbound on Beach Channel Drive at Beach 54th Street.

He was not wearing his seatbelt. Upon further investigation, § 87(2)(b) has an active warrant under docket § 87(2)(b) (encl. 33-35).

Criminal Court Complaint

§ 87(2)(b)

CCRB Statement

PO Alan Schatz was interviewed at the CCRB on June 22, 2010 (encl. 37-38). A Ford E350 Econoline van was stopped. PO Schatz believed that it was just PO Hartner and Sgt. Arabella present when he arrived. PO Hartner informed PO Schatz that § 87(2)(b) was not wearing his seatbelt. PO Schatz was assigned the arrest of § 87(2)(b) as he had an active warrant.

PO Schatz approached the vehicle and instructed § 87(2)(b) to exit the vehicle. He complied. § 87(2)(b) asked why the officers made that request. PO Schatz explained that § 87(2)(b) was not wearing his seatbelt and had an active warrant. § 87(2)(b) stated that he had a family member who was a member of the NYPD. PO Schatz could not recall if § 87(2)(b) tried to interact with him or if PO Schatz interacted with anyone else in the van. PO Schatz did not recall § 87(2)(b) stepping out of the vehicle and he never observed § 87(2)(b) on the ground. PO Schatz did not use any physical force with § 87(2)(b) nor did any other officer. § 87(2)(b) was placed in handcuffs by PO Schatz and placed in the police van for transport to the 101st Precinct stationhouse. No officer used the words “nigger” or “fuck.”

PO Rivera drove the patrol van to the 101st Precinct stationhouse with PO Schatz and § 87(2)(b) in the van. He could not recall if any other officers went with them. In the police van, neither PO Schatz nor any other officer stated, “What is wrong with that fucking guy? If your cousin wasn’t such an asshole, we could’ve let you go. Because he’s an asshole and not calming down, we can’t let you go.”

Witness Officer: PO MICHAEL CONTI

- § 87(2)(b) old white male, who stands 5’9” tall, weighs 167 pounds, has brown hair and eyes.
- On the date of incident, PO Conti was assigned to the 101st Precinct, foot post 12. He worked from 5:30 p.m. on March 2, 2010, to 2:05 a.m. on March 3, 2010. He worked with PO Michael Doerflein in uniform in his foot assignment.

Memo Book

PO Conti did not have any memo book entries regarding this incident (encl. 47-49).

CCRB Statement

PO Michael Conti was interviewed at the CCRB on June 25, 2010 (encl. 50-51). PO Conti did not recall this incident. Inv. Weinstock explained to PO Conti that PO Rivera stated that at approximately 9:00 p.m., PO Conti began to work with PO Rivera in a marked van working as transport. PO Conti stated that he did not have any recollection of this, but that it was possible. PO Conti was shown § 87(2)(b)’s New York State identification, but PO Conti did not recognize him. The facts of this incident were explained, but PO Conti stated that the incident did not sound familiar or memorable. PO Conti denied all the allegations related to this incident.

NYPD Documents

SPRINT Report

SPRINT report T13599 stated that at 9:23 p.m. on March 2, 2010, one person was arrested from Beach 54th Street and Beach Channel Drive by the 101st Precinct sergeant (encl. 60).

Command Log

At 9:30 p.m., PO Schatz arrested § 87(2)(b) for return on a warrant. Sgt. Arabella verified the arrest. § 87(2)(b)'s physical and mental conditions appeared to be normal. He was removed to Queens Central Booking at 11:50 p.m. by PO Rivera and PO Schatz (encl. 57).

Roll Call

The tour 3 roll call for March 2, 2010, for Queens South Impact Response Team stated that Sgt. Arabella worked from 4:00 p.m. to 12:00 a.m. PO Hartner was assigned to post 1, PO Rivera was assigned to post 2, PO Lyons was assigned to post 9, PO Conti was assigned to post 12 and PO Schatz was assigned to post 10. They all worked from 5:30 p.m. to 2:05 a.m. (encl. 52-56).

Warrant Check

The warrant check showed that § 87(2)(b) had an outstanding warrant for docket § 87(2)(b) (encl. 59).

Summons/Arrest for Incident and Disposition

- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

- § 87(2)(b) § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with the City of New York as of June 15, 2010, with regard to the incident (encl. 72-73).

Civilian Criminal History

- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian CCRB History

- This is the first CCRB complaint for § 87(2)(b) and § 87(2)(b) (encl. 7-8).

Subject Officers CCRB History

- Sgt. Arabella has been a member of the service for eight years and there are no substantiated CCRB allegations against him (encl. 4).
- PO Lyons has been a member of the service for two years and there are no substantiated CCRB allegations against him (encl. 5).

Conclusion

Identification of Subject Officers

- Sgt. Arabella acknowledged that he interacted with § 87(2)(b)
- PO Lyons acknowledged that he responded to this incident.

Investigative Findings and Recommendations

Allegations Not Pleaded

§ 87(2)(b) alleged that while he was in the police van, he observed § 87(2)(b) face down against the driver's side hood of § 87(2)(b)'s van, with all of the officers except for PO Lyons around him. PO Lyons was with § 87(2)(b) § 87(2)(b)

Allegation A-Sgt. George Arabella supervised the use of obscenities by subordinate officers.

Allegation B-PO Thomas Lyons spoke obscenely to § 87(2)(b) § 87(2)(b)

During his formal statement, § 87(2)(b) § 87(2)(b) alleged that when he was in the police van, he heard officers repeatedly use the words “nigger” and “fuck” to the other individuals, but he did not know which officer made what comment. § 87(2)(b) § 87(2)(b) also alleged that after the officers allegedly used physical force against § 87(2)(b) § 87(2)(b) PO Lyons entered the police van and spoke discourteously to him; an allegation § 87(2)(b) § 87(2)(b) never made during his telephone statement.

As explained above, § 87(2)(b) § 87(2)(b) was unavailable to this investigation. Over the telephone, § 87(2)(b) § 87(2)(b) stated that one of the officers, she did not provide a description of the officer, told all of the passengers, herself included, “Get the fuck out of here.” She then stated that she was not interested in participating in the investigation. § 87(2)(b) § 87(2)(b) stated during his formal statement that he did not know the other passengers. As § 87(2)(b) § 87(2)(b) was unable to be contacted and § 87(2)(b) § 87(2)(b) did not cooperate, there was no way of identifying the other passengers. All of the officers who provided a statement for this investigation denied using or hearing other officers use the discourtesies alleged. PO Lyons stated that he never entered a police vehicle and he did not make any discourteous or offensive remarks.

§ 87(2)(b) § 87(2)(b) made different allegations from statement to statement and was unable to provide details surrounding the alleged use of discourtesies and offensive remarks. He also could not describe the officers that allegedly made the remarks, suggesting the possibility that he gratuitously alleged the discourtesies or exaggerated the extent of the comments. Furthermore, § 87(2)(b) § 87(2)(b) was highly irate that he was arrested as he felt that the officers had no right to speak with him. § 87(2)(b) § 87(2)(b) also repeatedly noted that § 87(2)(b) § 87(2)(b) was a member of the New York City Police Department. § 87(2)(g)

Finally, no witnesses were present for the alleged discourtesies inside the police van and the identified witnesses for the alleged discourtesies outside of the van failed to cooperate with the investigation, could not be contacted or could not be identified.

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

Team: 3

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date